

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SANFORD DAVIS,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

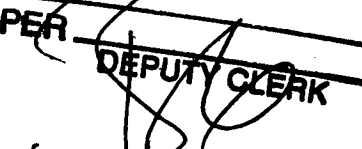
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3:12-CV-02161
(JUDGE MARIANI)

ORDER

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AND NOW, THIS 20TH DAY OF DECEMBER, 2013, upon review of:

1. Magistrate Judge Carlson's Report and Recommendation of October 18, 2013 (Doc. 65), in part for clear error and manifest injustice and in part *de novo*;
2. Defendants' Objections thereto (Doc. 70);
3. Plaintiff's Amended Complaint (Doc. 27);
4. Defendants' Motion to Dismiss the Complaint (Doc. 42);
5. And all related briefs (Docs. 44, 45, 46, 71, 72, 75),

IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (Doc. 65) is **ADOPTED**, for the reasons discussed in the Court's accompanying Opinion.
2. Defendants Objections (Doc. 70) are **OVERRULED**.

3. The Motion to Dismiss (Doc. 42) is **GRANTED IN PART AND DENIED IN**

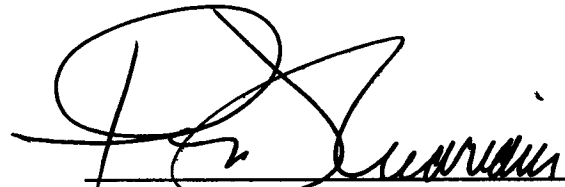
PART, to wit:

a. Plaintiff's claims of medical malpractice are **DISMISSED WITHOUT PREJUDICE**.

b. Defendants' Motion is **DENIED** insofar as it relates to Plaintiff's Eighth Amendment claims.

c. Any of Plaintiff's claims for injunctive relief are **DISMISSED AS MOOT**.

4. The case is remanded to Magistrate Judge Carlson for further proceedings consistent with this Order and accompanying Opinion.

A handwritten signature in black ink, appearing to read 'R. D. Mariani', is written over a horizontal line.

Robert D. Mariani
United States District Judge